

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONI DENISE BERRYHILL,

Plaintiff,

CASE NO. 2:15-cv-14029

v.

HON. MARIANNE O. BATTANI

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT; AND
REMANDING TO THE COMMISSIONER FOR FURTHER CONSIDERATION**

Plaintiff Toni Denise Berryhill has brought this action challenging the Commissioner of Social Security's final decision denying her application for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. The case was referred to Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b)(1). Both parties filed dispositive motions, and in a Report and Recommendation ("R&R") dated January 6, 2017, Magistrate Judge Stafford recommended that Plaintiff's Motion for Summary Judgment be granted and that the Commissioner's Motion for Summary Judgment be denied. (Doc. 18).

In the R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within fourteen days of service and that a party's failure to file

objections would waive any further right of appeal. (*Id.*, pp. 18-19). Neither party filed objections. Because no objections have been filed in this case, the parties waived their right to *de novo* review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. 18), **GRANTS** Plaintiff's Motion for Summary Judgment (Doc. 14), and **DENIES** the Commissioner's Motion for Summary Judgment (Doc. 16). The Court therefore **REMANDS** Plaintiff's claim to the Commissioner for further administrative proceedings consistent with the R&R.

IT IS SO ORDERED.

Date: March 3, 2017

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 3, 2017.

s/ Kay Doaks
Case Manager